



# PROPOSED RULE MAKING

**CR-102 (June 2012)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency:** Office of the Secretary of State

- ☒ Preproposal Statement of Inquiry was filed as WSR 15-19-120 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) Trademarks amending WAC 434-12-025

**Hearing location(s):** Corporations & Charities Division  
801 Capitol Way South  
Olympia, WA  
(360) 725-0378

Date: Dec 22, 2015 Time: 9:00 AM

**Date of intended adoption:** Dec. 23, 2015  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Pam Floyd Director, Corporations Division

Address: Office of the Secretary of State

PO Box 40234, Olympia, WA 98504

e-mail pam.floyd@sos.wa.govfax (360) 586-4989 by (date) Dec 22, 2015**Assistance for persons with disabilities:** ContactPam Floyd by Dec 21, 2015TTY ( ) \_\_\_\_\_ or (360) 725-0378

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To Clarify the Administrative Code Section on Trademark filings.

**WAC 434-12 – Trademarks** – Changes include allowing the comparison of classifications to be used in determining differences between trademarks proposed to be filed and those already on file. Updating the procedure will be more like the federal trademark comparison procedure and cause less confusion for customers.

**Reasons supporting proposal:****Statutory authority for adoption:** 19.77.115**Statute being implemented:****Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE**

11-09-2015

**NAME** (type or print)

Mark Neary

**SIGNATURE****TITLE**

Assistant Secretary of State

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** November 09, 2015**TIME:** 3:35 PM**WSR 15-23-024**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Office of the Secretary of State

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378
Implementation....	Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378
Enforcement.....	Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Not applicable.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: Not applicable.

AMENDATORY SECTION (Amending WSR 15-22-044, filed 10/29/15, effective 1/1/16)

**WAC 434-12-025 Document and specimen standards for trademark filing.** (1) Specimens submitted in support of a trademark filing must:

(a) Be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

(b) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

(c) Be in pdf (portable document format), if filing online.

(2) Specimens submitted in support of a trademark reservation:

(a) Must be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

(b) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved; and

(c) Must be in pdf format, if filing online.

(3) Corporations division staff may reject submissions (~~that do not meet these requirements~~) based on the following criteria:

(a) Application is incomplete;

(b) Application is in pencil or unable to be scanned as a readable image;

(c) Trademark is not distinguishable from another on file in the secretary's office by comparing:

(i) Similarity or dissimilarity of marks in their entireties to appearance; or

(ii) Similarity or dissimilarity of goods and services classifications.